

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

Spencer David Wolfe,

Debtor.

Case # 18-04837-dd

Chapter 7

APPLICATION FOR EMPLOYMENT OF ATTORNEY

The Trustee in the above-captioned case, Michelle L. Vieira, requests that the Court authorize her to employ Barton Brimm, PA (the "Firm"), 3955 Highway 17 Bypass, Suite D, P.O. Box 2746, Murrells Inlet, South Carolina 29576, Phone: (803) 256-6582, Fax (803) 779-0267, as attorneys for the Trustee. 11 U.S.C. § 327(a). The employment of an attorney is necessary so that the following legal services will be rendered to the Trustee:

- A. To investigate and pursue possible preference claims and fraudulent conveyance actions, and to investigate transactions between the Debtor and insiders;
- B. To file necessary motions and pleadings on behalf of the Estate;
- C. To provide legal assistance for the liquidation of non-exempt assets and other assets recovered by the Estate;
- D. To review legal documents of the Debtor;
- E. To represent the Trustee in litigation involving the Estate;
- F. To assist in the identification and preservation of assets of the Estate, including litigation to accomplish the same as necessary; and
- G. Such other and further legal representation as the Trustee deems appropriate and necessary to the Estate.

The Trustee may request that the attorneys perform other services for the Estate, as determined and instructed by the Trustee.

Employment of the Firm in this case to represent the Trustee is in the best interest of the Estate because:

1. The Firm has extensive experience in matters of this character and is well qualified to represent her;
2. The legal services to be performed are of a kind which the Firm can perform in a more reasonable and timely manner than other firms.

The Firm has agreed that the Firm will be employed on a **GENERAL RETAINER BASIS**, in which fees are earned at the rate of \$400.00 per hour for Attorney Barton, \$325.00 per hour for Attorney Brimm, and that the Firm will be reimbursed for all expenses in connection with the representation, including but not limited to any court costs and filing fees.

The Firm understands that the amount of compensation awarded by the Court is subject to review pursuant to 11 U.S.C. § 330 and may be different than the amount requested herein.

The Trustee believes that the Firm and its attorneys are disinterested persons as that term is defined by 11 U.S.C. § 101(14) and that they do not hold or represent an interest adverse to the Estate.

Other than those general matters disclosed in Brimm's Affidavit filed simultaneously herewith, the Firm has no connection with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee or any person employed in the office of the United States Trustee. The undersigned co-leases office space with the Firm and they share common utilities on a pro-rata basis. The Trustee does not share any employees and maintains separate secure space for Trustee's office and all paper and electronic files. A conference room, kitchen and bathroom are common space. The undersigned does not believe this office-sharing arrangement creates an interest adverse to the Trustee, Debtor, or the estate of the Debtor.

The Trustee requests that the Court consider her application and authorize the employment of Barton Brimm, PA as attorneys for the Trustee.

Dated at Murrells Inlet, South Carolina
February 7, 2019

/s/ Michelle L. Vieira
Michelle L. Vieira, Trustee
District Court ID #9876
P O Box 1480
Murrells Inlet, SC 29576
Phone: (843) 497-9800
Fax: (843) 497-9881
Email: Trustee@Chapter7.email

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AFFIDAVIT OF CHRISTINE E. BRIMM

Christine E. Brimm, being duly sworn, states as follows:

1. Barton Brimm, PA (the "Firm") and, specifically, Barbara George Barton ("Barton") and Christine E. Brimm ("Brimm") have been asked by Michelle Vieira ("Trustee") to represent the Trustee in this Chapter 7 case as bankruptcy counsel.
2. Barton is an attorney duly admitted to practice law in the state of South Carolina (SC Bar #561). Furthermore, she is admitted to practice in the U.S. District Court (Federal ID #1221), in the Federal Court of Appeals for the Fourth Circuit and in the United States Supreme Court. Barton has specialized in the practice of bankruptcy law for over thirty-five years and is certified as a specialist in the field of bankruptcy law by the Supreme Court of South Carolina. She is also a certified specialist in business bankruptcy law with the American Bankruptcy Institute and is a fellow with the American College of Bankruptcy.
3. Brimm is an attorney duly admitted to practice law in the state of South Carolina (SC Bar #6569). Furthermore, she is admitted to practice in the U.S. District Court for the District of South Carolina (Federal ID #6313) and in the Federal Court of Appeals for the Fourth Circuit. Brimm has been an attorney for over 20 years, and has practiced in the area of debtor-creditor rights and/or bankruptcy since approximately 2007. She is certified by the Supreme Court of South Carolina as a specialist in bankruptcy and debtor-creditor law.
4. The Firm maintains an office at 3955 Highway 17 Bypass, Suite D, P.O. Box 2746, Murrells Inlet, South Carolina 29576, Phone: (803) 256-6582, Fax (803) 779-0267.
5. The Firm and its attorneys hold no interest adverse to the estate in any matter upon which they are to become employed, nor have they agreed to accept any remuneration from any party other than as approved by this court for the duties they are about to embark upon.
6. The Firm and its attorneys have no connection with the Debtor, the creditors, any other party in interest, their respective attorneys and accountants, the U.S. Trustee, or any person employed in the Office of the U.S. Trustee, except that the Firm currently represents the Trustee in a number of unrelated cases currently pending in the United States Bankruptcy

Court for the District of South Carolina. In addition, the Firm co-leases office space with the Trustee and they share common utilities on a pro-rata basis, but the undersigned does not believe this office-sharing arrangement creates an interest adverse to the Trustee, Debtor, or the estate of the Debtor, and discloses this out of abundance of caution

7. Because the Firm is engaged in the practice of bankruptcy law, it has frequent contact in other cases with parties involved in the practice of bankruptcy law, including counsel for the Debtor, and including the U.S. Trustee, but does not believe such connections create an interest adverse to the Trustee, Debtor, or the estate of the Debtor.
8. Despite the foregoing connections and the Firm's representation of the Trustee in other matters, Affiant believes that Firm and its attorneys do not hold or represent an interest adverse to the Trustee, Debtor, or the estate of the Debtor and that Firm and its attorneys are disinterested persons within the meaning of Sections 101 and 327 of the Bankruptcy Code.
9. Trustee has agreed to pay the regular hourly rates set forth below for Firm's services in connection with the representation, plus costs and expenses:

Barbara George Barton, SC Bar #561	\$400/hour
Christine E. Brimm, SC Bar #6569	\$325/hour
Connie Fraser, Paralegal	\$125/hour

10. The Firm realizes that the terms of employment of the Firm are subject to the approval of the Court.

/s/ Christine E. Brimm

SWORN TO AND SUBSCRIBED before me on
this 7th day of February, 2019.

/s/ Connie L. Fraser

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 1/27/25

(Original on file)

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CERTIFICATE OF SERVICE

I, Connie Fraser, hereby certify that on behalf of the Chapter 7 Trustee, I served a copy of the **TRUSTEE'S APPLICATION TO EMPLOY and AFFIDAVIT, filed February 7, 2019**, on the Office of the United States Trustee via electronic filing and electronic transmission through CM/ECF, pursuant to SC LBR 9036-1, and on the parties in interest as shown below, via CM/ECF and/or U.S. Mail, as indicated, on February 7, 2019.

Spencer David Wolfe
607 11th Avenue North
North Myrtle Beach, SC 29582
Via Regular U.S. Mail

Jackson Turner-Vaught, Esq.
Turner, Vaught Bankruptcy, LLC
9261 Highway 707, Suite H
Myrtle Beach, SC 29588
Via CM/ECF

BARTON BRIMM, PA

BY: /s/ Connie Fraser
P.O. Box 2746
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